

REMARKS

Claims 1-15 and 17-20 are pending in the present application. Claims 1-15 and 17-20 have been rejected. No claims have been allowed. Claims 1, 10 and 17 have been amended. Claims 9 and 15 have been canceled. No new claims have been added.

I. Rejections under 35 U.S.C. § 102

Claims 1-8 and 10-14 stand rejected under 35 U.S.C. § 102(e) as being clearly anticipated by U.S. Patent No. 6,005,571 to Pachauri ("Pachauri").

In order to anticipate a claim, a reference must contain every material element of that claim. Independent claims 1 and 10 have been amended herein to recite that the "graphical user interface" at issue in both claims is one that is "associated with an application executed by a computing device of a gaming system, said gaming system including at least one gaming device adapted to accept a wager by a player, present a game, and grant an award for predetermined winning events." Support for this amendment can be found throughout the specification and claims as filed, such as, for example, at original claim 9 as filed. It is believed that the addition of this language makes it unambiguously clear that the present claims are all directed only toward gaming systems including gaming machines that play games based on bets and that can award winnings thereby (e.g., slot machines, video poker or keno machines, etc.).

Furthermore, each independent claim has also been amended to recite that the "resulting display is customized to the user based at least in part upon said first input and said second input," where the "first input [is] from a given user of said gaming system and the "second input [is] from an operator of said gaming system." Support for these amendments can be found throughout the specification as filed, such as for example, at page 32, lines 1-17. It is believed that the addition of this language makes it unambiguously clear that the present

claims are all directed only toward gaming systems including gaming machines that play games based on bets and that can award winnings thereby, where a resulting display (i.e., graphical user interface) for a given user is customized based upon input from both the user and a system operator.

Applicants respectfully submit that Pachauri does not disclose or suggest any of these added limitations. Because all of these added limitations are required to be within Pachauri for an anticipation rejection to be proper, the pending § 102 rejections for independent claims 1 and 10 cannot stand. Because claims 2-8 and 11-14 all depend from claim 1 or claim 10, the pending § 102 rejections for these claims similarly cannot stand.

II. Rejections under 35 U.S.C. § 103

Each of claims 3, 9, 15 and 17-20 stands rejected under 35 U.S.C. § 103(a). Claim 3 stands rejected as being unpatentable over Pachauri and U.S. Patent No. 6,385,652 to Brown et al. ("Brown"). Claims 9 and 15 stand rejected as being unpatentable over Pachauri and U.S. Patent No. 5,531,441 to Dabrowski et al. ("Dabrowski"). Claims 17-20 stand rejected as being unpatentable over Dabrowski and Brown. In particular, the Office Action states, "It would have been obvious to one of ordinary skill in the art at the time the invention to modify Pachauri's invention such that the graphical user interface included one for a gaming system." In light of the amendments made to all pending independent claims and the use of non-analogous art with respect to the gaming industry, Applicants respectfully traverse these § 103 rejections.

Use of Non-analogous Art with Respect to Gaming Machine Industry

Applicants initially submit that Pachauri, Brown and other references that have been cited as pertinent prior art are all non-analogous art with respect to the gaming machine industry, such that it is inappropriate to use such references in combination to render the

presently claimed invention as obvious. Traditionally, electronic gaming machines have not been manufactured as devices that are readily adapted to have many interchanged components or peripheral devices once such machines are built. Although there has been some desire within the gaming machine industry to model device compatibility after techniques that have been successfully implemented within the personal computer ("PC") industry, there are many reasons as to why similar techniques are not possible or practical in the manufacture of gaming machines and related components. Such reasons can include, for example, the strict regulatory requirements that are placed upon gaming machines; the harsh environment in which gaming machines operate; the more stringent security requirements required of gaming machines; and the stricter fault tolerance requirements required of gaming machine systems, among others. Furthermore, techniques and methods for solving a problem in the PC industry, such as device compatibility and connectivity issues, might not be adequate in the gaming environment. Many faults tolerated in a PC, such as security holes or frequent crashes, may not be tolerated in a gaming machine, since such faults can lead to a loss of funds as a result of stolen cash, fraudulently procured jackpots, or loss of revenue when the gaming machine is inoperable and thus unavailable for play.

Other relevant and significant differences between gaming machine systems and common PC based systems also exist, which further detracts from the ability to combine a reference from a non-gaming art for purposes of obviousness. For example, the fact that gaming machines must typically be state-based systems affects many of the software and hardware designs on the gaming machine. In a state-based system, the system stores and maintains its current state in a non-volatile memory, such that the gaming machine will return to its current state when power is restored in the event of a power failure or other similar malfunction. For instance, if a player were shown an award for a game of chance, but the power failed before the award could be provided to the player, the gaming machine would

return to the state where the award is indicated upon the restoration of power. PCs are not state machines, however, as a majority of current data is usually lost whenever a power failure or similar malfunction occurs. Another important difference between gaming machine systems and PC based systems is that the software used to generate a game of chance on and operate the gaming machine must, for regulation purposes, be designed as static and monolithic to prevent cheating by the operator of gaming machine. To gain approval in most gaming jurisdictions, a gaming machine must demonstrate sufficient safeguards that prevent an operator of the gaming machine from manipulating hardware and software in a manner that gives the operator an unfair or illegal advantage. The code validation requirements in the gaming industry affect both hardware and software designs on gaming machines.

As yet another important difference between systems, various peripherals such as coin dispensers, bill validators and ticket printers and computing devices that are used to govern the input and output of cash to a gaming machine have security requirements that are not typically addressed in PCs. Therefore, many PC techniques and methods developed to facilitate device connectivity and device compatibility do not address the emphasis placed on security in the gaming industry. Another difference with respect to gaming machine systems is that all software must be thoroughly tested, verified, and submitted for regulatory approval before it can be placed on a gaming machine. In addition, all such software must also then be tested in the field after placement on the gaming machine. The costs associated with developing and deploying a new device on a gaming machine can thus be quite high, especially where the operating characteristics of that new device are modified such that a new device driver is required.

Given these and other differences between gaming machine systems and PC systems, it is readily apparent why many solutions to problems involving device compatibility and interchangeability in PC systems may not be transferable to solve similar problems in gaming

machine systems. Accordingly, Applicants respectfully submit that references regarding non-analogous art that do not deal with gaming machines and systems and problems associated with such machines and systems are inherently not references that one of ordinary skill in this art would use to solve problems associated with gaming machines and systems. It follows then that use of such references should be carefully considered in determining what is obvious within the field of gaming machines and systems.

In any event, Applicants respectfully submit that an appropriate motivation to combine the recited references in a manner so as to solve a *gaming machine* or *gaming system* related problem has not been shown. It is entirely inappropriate then to use in combination Pachauri, Brown and other references that have been cited as pertinent prior art as a way to reject as obvious the present claims to a *gaming system* including a *gaming machine*. Accordingly, Applicants respectfully request the withdrawal of the pending § 103 rejections at issue.

New Limitations Added to Base Claims

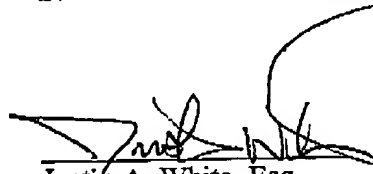
Applicants finally note that claim 17 and the independent claims from which each of claims 3, 9, 15 and 18-20 depends have all nevertheless been substantially amended. In so amending, new elements that are not present in any of the recited references have been added to each independent claim, such that these claims are now allowable over the prior art for at least these additional reasons. Claims 9 and 15 have been canceled as a result of these amendments to their respective base claims. Applicants respectfully submit that remaining claims 3 and 17-20 are in condition for allowance, particularly in light of these added amendments, in addition to the reasons set forth above addressing the inappropriateness of combining references from non-analogous arts to make any further obviousness rejections.

CONCLUSION

Applicants respectfully submit that all claims are in proper form and condition for patentability, and request a Notification of Allowance to that effect. Beyond the fees for a one-month Petition for Extension of Time fee and the filing of an RCE, it is believed that no other fee is due at this time. Should any other fee be required for any reason related to this document, however, then the Commissioner is hereby authorized to charge said fee to Deposit Account No. 50-0388, referencing Docket No. IGT1P119. The Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below with any questions or concerns relating to this document or application.

Respectfully Submitted,
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